



AF/2177
\$

PATENT
03000-P0003C WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Wesley W. Whitmyer, Jr.
Serial No. 09/706,651	Filing Date: November 6, 2000
Title of Application:	On-Site Backup For Internet-Based Data Processing
Confirmation No. 8608	Group Art Unit: 2177
Examiner	Miranda Le

RECEIVED

Mail Stop Appeal Brief-Patents
Commissioner for Patents
Post Office 1450
Alexandria, VA 22313-1450

MAY 21 2004
Technology Center 2100

Notice of Appeal to the Board of Patent Appeals and Interferences, Transmittal Of Appeal Brief and Request For Oral Hearing

Dear Sir:

Applicant hereby appeals to the Board from the Office Action, mailed April 7, 2004, finally rejecting claims 1-15, all pending claims in the application.

1. **Appeal Brief.** Transmitted herewith, in triplicate, is the Appeal Brief with respect to the Notice of Appeal filed herewith.
2. **Fee for Filing Notice of Appeal.** Pursuant to 37 C.F.R. 1.17(b), the fee for filing this Notice of Appeal is \$165.00. Appellant claims small entity status
3. **Time To Reply.** The final rejection is dated April 7, 2004. The period for response granted therein is three months from the date thereof. Thus, this Notice is timely filed on or before July 7, 2004.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents; Post Office Box 1450; Alexandria, VA 22313-1450.

May 14, 2004

Charlotte E. Hanulik

05/20/2004 AWONDAF1 00000051 09706651

01 FC:2401
02 FC:2403

165.00 OP
145.00 OP

4. **Fee for Filing Appeal Brief.** Pursuant to 37 C.F.R. 1.17(c), the fee for filing the Appeal Brief is \$165.00. Appellant claims small entity status.
5. **Request for Oral Hearing.** Appellant hereby requests an Oral Hearing.
6. **Fee for Requesting Oral Hearing.** Pursuant to 37 C.F.R. 1.17(d), the fee for requesting an Oral Hearing is \$145.00. Appellant claims small entity status.
7. **Total Fee Due.** The total fee due is:

Notice of Appeal fee	\$165.00
Appeal Brief fee	\$165.00
Request for Oral Hearing	<u>\$145.00</u>
 Total	 \$475.00

8. **Fee Payment.** Attached is a check in the amount of \$475.00. This is also a petition and a request to charge to Account No. 19-4516 for any additional extension and/or fee as may be required or credit for any excess fee paid.

Respectfully submitted,



Todd M. Oberdick, Registration No. 44,268
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155